

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT **Dec 12, 2023**
EASTERN DISTRICT OF WASHINGTON SEAN F. McAVOY, CLERK

JOSHUA M.,¹

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:23-cv-03104-RHW

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 8, 13

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 13, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Jordan Goddard represents Plaintiff. Attorneys Frederick Fripps and L. Jamala Edwards represent Defendant.

After consideration, **IT IS HEREBY ORDERED** that:

1. The parties' Stipulated Motion for Remand, **ECF No. 13**, is **GRANTED**.
2. The above-captioned case be **REVERSED** and **REMANDED** to the

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. See LCivR 5.2(c).

1 Commissioner of Social Security for further administrative proceeding pursuant to
2 sentence four of 42 U.S.C. § 405(g).

3 The parties have stipulated to the following instructions. On remand, the
4 Appeals Council will instruct the ALJ to:

- 5 • Re-evaluate the opinion evidence consistent with 20 C.F.R. §
6 404.1520c;
- 7 • Re-evaluate Plaintiff's subjective symptom complaints;
- 8 • Re-evaluate Plaintiff's residual functional capacity;
- 9 • Further consider whether there are jobs in significant numbers in the
10 national economy available to Plaintiff;
- 11 • Take any further action needed to complete the administrative record
12 and sequential evaluation, including considering if Plaintiff was
13 disabled for a closed period;
- 14 • Provide Plaintiff the opportunity to submit new evidence; and
- 15 • Issue a new decision.

16 See ECF No. 13 at 1-2.

17 3. Judgment shall be entered for **PLAINTIFF**.

18 4. Plaintiff's Motion for Summary Judgment, **ECF No. 8**, is **STRICKEN**
19 **AS MOOT.**

5. Upon proper presentation, this Court consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, **enter Judgment** in favor of Plaintiff, forward copies to counsel, and **CLOSE THE FILE**.

DATED December 12, 2023.

s/Robert H. Whaley
ROBERT H. WHALEY
Senior United States District Judge